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FISCAL IMPACT STATEMENT

LS 6785

BILL NUMBER: SB 245

NOTE PREPARED: Feb 18, 2014

BILL AMENDED: Jan 27, 2014

SUBJECT: Schools and Auto-Injectable Epinephrine.

FIRST AUTHOR: Sen. Miller Patricia

FIRST SPONSOR: Rep. Zent

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

Epinephrine: The bill allows a health care provider with prescriptive authority to prescribe auto-injectable epinephrine to a school or school district. It sets requirements for certain individuals employed by a school or school district to fill, store, and administer auto-injectable epinephrine.

Civil Immunity: The bill provides civil immunity for: (1) certain school employees in the administration of auto-injectable epinephrine; and (2) health care providers in the prescribing of auto-injectable epinephrine and in the training of school employees in the administration of auto-injectable epinephrine.

Effective Date: July 1, 2014.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Epinephrine:* The fiscal impact on school corporations would depend on local action. If a school corporation decides to implement the requirements of this bill, it could incur additional costs depending on the number of students to be monitored. In general, an average of between 4% and 6% of the student body would be susceptible to life-threatening allergies. The cost implications for schools may be primarily in additional staff time for training and coordination required to manage this population of the student body. The training of volunteer school employees required by this bill would not be significant. On-line or in-person courses can be purchased for as little as \$20.

The bill permits a health care professional to prescribe an epinephrine auto-injector in a school's name for storage and use at the school and authorizes schools to maintain a stock supply of epinephrine auto-injectors. The bill also permits school nurses and other trained school employees to administer epinephrine at the school to any student, school employee, or visitor, regardless of whether that individual has a prescription for epinephrine.

(Revised) *Civil Immunity*: The bill offers legal protection to school nurses and volunteer school employees who administer auto-injectable epinephrine, in accordance with the manufacturer's guidelines, to a student, school employee, or visitor at the school who is in danger of anaphylaxis. It also offers civil immunity to a licensed health care provider who writes a prescription for the epinephrine, or who provides training to school employees in the proper administration of auto-injectable epinephrine. This provision could reduce the number of lawsuits filed against school employees, thereby reducing the possible cost of litigation for schools.

Additional Information

Food Allergies/Anaphylaxis: Auto-injectable epinephrine is administered to an individual who has displayed symptoms of a food allergy, or anaphylaxis. A food allergy is an adverse immune system reaction that occurs soon after exposure to a certain food. Food allergies affect an estimated 4% to 6% of U.S. children.

Anaphylaxis is a severe allergic reaction that is rapid in onset and may cause death. Food allergies account for 35% to 50% of all cases of anaphylaxis in emergency care settings. Not all allergic reactions will develop into anaphylaxis. In many cases, the reaction is mild and resolves itself without any problems. However, early signs of anaphylaxis can resemble a mild allergic reaction and it may not be easy to predict whether these initial, mild symptoms will progress to become an anaphylactic reaction that can be life-threatening. As a result, all children with known or suspected ingestion of a food allergen and the appearance of symptoms consistent with an allergic reaction must be closely monitored and possibly treated for early signs of anaphylaxis.

Epinephrine: Depending on the amount of stock epinephrine a school chooses to maintain, this could have a financial impact. Currently, the discounted price for epinephrine is between \$185 and \$230 for one kit (two auto-injector pens). The epinephrine auto-injectors expire in about 18 months, so they will have to be replaced on a recurring basis.

It has been reported that Mylan Specialty, the marketer and distributor of epinephrine has a program, "EpiPens4Schools", that allows qualified schools to obtain auto-injectors at no cost. The program offers four EpiPen or EpiPen Jr auto-injectors to qualifying public and private kindergarten, elementary, middle, and high schools in the U.S. Requirements to qualify for this offer include having a valid prescription. The products are available in the form of two EpiPen 2-Pak cartons, two EpiPen Jr 2-Pak cartons, or one 2-Pak of each kind. Each EpiPen 2-Pak contains two single auto-injectors, instructions for use, and a training device. Schools have to submit a certification form to apply for the cartons. The limit is two cartons per school. The company also supplies a storage unit for the cartons.

The stock supply should be kept locked outside of the nurse's regular prescription storage to maintain Family Educational Rights and Privacy Act confidentiality requirements, and may require specific cabinets. If all field trip first-aid kits are to have one of each, junior and large size, the school may need to maintain several first-aid kits simultaneously. The epinephrine auto-injectors expire in about 18 months so they will have to

be replaced on a recurring basis.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local schools.

Information Sources: Centers for Disease Control and Prevention, "Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs"; Vermont Department of Education, "Managing Life-Threatening Allergic Conditions in Schools"; Oregon Health Authority-Public Health Division, "Treatment of Severe Allergic Reaction: A Protocol for Training"; Biobridge Pharma:EpiPen4Schools Program: <http://www.epipen4schools.com/Participate.aspx>

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